

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

UNITED STATES OF AMERICA

v.

Case No. 8:16-cr-63-TPB-JSS

CARLOS CASTILLO AGUIRRE,

Defendant.

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**ORDER DENYING DEFENDANT'S CONSTRUED MOTION**

This matter is before the Court on Defendant Carlos Castillo Aguirre's construed motion, filed *pro se* on March 25, 2022. (Doc. 89). No response is required. After reviewing the motion, case file, and the record, the Court finds as follows:

On December 2, 2016, Judge Elizabeth A. Kovachevich sentenced Defendant to 120 months imprisonment, followed by five years' supervised release. (Docs. 72; 73). In his motion, Defendant takes issue with a Bureau of Prisons memorandum that states if an inmate has an immigration detainer, he is not eligible for time credits under the First Step Act because the immigration detainer is being considered a public safety factor.

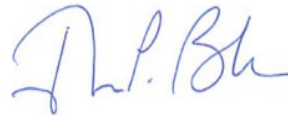
To the extent Defendant is seeking a reduction of his sentence, he has pointed to no authority or basis for a reduction. To the extent that Defendant argues that any detainer exclusion is discriminatory because it is based on national origin, he is also not entitled to relief.<sup>1</sup> Courts have held that the detainer exclusion does not violate

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<sup>1</sup> It appears that these types of claims are typically brought as a challenge to the conditions of confinement rather than the fact or duration of confinement. In the interest of judicial economy, the Court will briefly address this argument rather than directing Defendant to file a separate civil action.

equal protection principles. *See, e.g., Builes v. Warden Moshannon Valley Correctional Ctr.*, 712 F. App'x 132, 134-35 (3d Cir. 2017); *Bazuaye v. Tombone*, 275 F.3d 44, 44 (5th Cir. 2001); *McLean v. Crabtree*, 173 F.3d 1176, 1185-86 (9th Cir. 1999); *Abelarde v. Crews*, No. 1:14-cv-157-MP-GRJ, 2015 WL 6538228, at \*4 (N.D. Fla. June 26, 2015), *adopted by* 2015 WL 6511293 (Oct. 27, 2015); *Alvarez-Villasenor v. Rohrer*, No. 12-cv-5107-TOR, 2013 WL 5652058, at \*2 (E.D. Wa. Oct. 15, 2013). Consequently, the motion is **DENIED**.

**DONE AND ORDERED** in Chambers, in Tampa, Florida, this 5th day of April, 2022.



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**TOM BARBER**  
**UNITED STATES DISTRICT JUDGE**